

REMARKS

Claims 1-29 were pending when the present Office Action was mailed. Claims 1, 10 and 21 have been amended to clarify certain aspects of these claims. No claims have been cancelled. Accordingly, claims 1-29 remain pending in the application.

The undersigned attorney wishes to thank the Examiner for engaging in a telephone interview on June 2, 2003, to discuss the present Office Action. The following remarks set forth the references and distinguishing features discussed with the Examiner, as well as the agreements reached between the Examiner and the undersigned attorney during the telephone interview.

Claims 1-29 were rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,438,508 to Wyman ("Wyman") in view of applicant's own admission. Claim 1 is directed to a method of distributing software with a computer system. The method includes, *inter alia*, recording data on a fixed medium in the computer system, and in response to receiving a first request for access to the data, controlling access to the data by contacting a party authorized to grant access to the data. If the party provides authorization to grant access to the data, then the authorization is recorded and a first access to the data is granted based on the recorded authorization. If a second request for access to the data is received, a second access to the data is granted based on the recorded authorization.

In the interest of expediting prosecution, and without commenting on or conceding the merits of the rejection of claim 1, claim 1 has been amended to clarify that the authorization to grant access to the data is recorded in the computer system. In addition, claim 1 has been further amended to clarify that if a second request for access to the data is received, then a second access to the data is granted based on the authorization recorded in the computer system. As acknowledged by the Examiner during the June 2, 2003 telephone interview, Wyman fails to teach or suggest recording an authorization to grant access to data in the computer system. As further acknowledged by the Examiner, Wyman also fails to teach or suggest granting a

second access to the data based on the authorization recorded in the computer system. Therefore, the rejection of claim 1 should be withdrawn.

Claims 2-9 depend from base claim 1. Accordingly, Wyman cannot support a Section 103 rejection of dependent claims 2-9 for at least the reasons discussed above with regard to the rejection of claim 1, and for the additional features of these dependent claims. Therefore, the rejection of dependent claims 2-9 should be withdrawn.

Independent claims 10 and 21 have also been amended in accordance with agreements reached between the Examiner and the undersigned attorney during the June 2, 2003 telephone interview. For example, independent claim 10 has been amended to further clarify that the authorization for access to the software application is recorded in the computer system, and a second access to the software application is granted based on the authorization recorded in the computer system. Similarly, independent claim 21 has been amended to further clarify that authorization for access to the software application is recorded in the memory of the computer system, and a second access to the software application is granted based on the authorization recorded in the memory. Accordingly, for the reasons discussed above with regard to the rejection of claim 1, Wyman cannot support a Section 103 rejection of independent claims 10 and 21. Therefore, the rejection of claims 10 and 21 should be withdrawn.

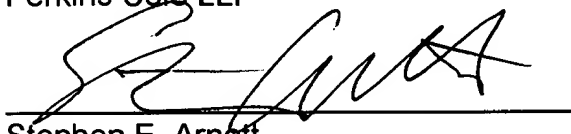
Claims 11-20 depend from base claim 10, and claims 22-29 depend from base claim 21. Accordingly, Wyman cannot support a Section 103 rejection of dependent claims 11-20 for at least the reasons discussed above with regard to the rejection of claim 10, and for the additional features of these dependent claims. Further, Wyman cannot support a Section 103 rejection of dependent claims 22-29 for at least the reasons discussed above with regard to the rejection of base claim 21, and for the additional features of these dependent claims. Therefore, the rejection of dependent claims 11-20 and 22-29 should be withdrawn.

VI. Conclusion

In light of the foregoing remarks, all of the pending claims are in condition for immediate allowance. Applicant, therefore, respectfully requests reconsideration of the application and allowance of all pending claims. If the Examiner wishes to discuss any matter related to this application, the Examiner is encouraged to contact Stephen E. Arnett by telephone at (206) 264-6351 to expediently resolve any such matter.

Respectfully submitted,

Perkins Coie LLP



Stephen E. Arnett
Registration No. 47,392

Date: June 12, 03

Correspondence Address:

Customer No. 25096
Perkins Coie LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 583-8888